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Cabo Verde

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Introduction

1. The present report was prepared for the 3rd cycle of the Universal Periodic Review mechanism (UPR), in compliance with Human Rights Council guidelines. It provides an update on Cabo Verde's latest developments in the promotion and protection of human rights during the period under review and progress on the implementation of recommendations received during the 2nd cycle UPR, in 2013.

2. The report was prepared under the coordination of an inter-ministerial working group, coordinated by the National Commission for Human Rights and Citizenship (CNDHC) and counting on representatives from the Office of the Prime-Minister, Ministry of Justice and Ministry of Foreign Affairs. The information presented draws on the initial and periodic reports prepared by Cabo Verde during 2017 for treaty-based human rights committees, which were all prepared through participatory processes that engaged public institutions and civil society organizations (CSOs). Additional updated information was collected from sectors and the preliminary version of the report was presented, through a workshop, to stakeholders from public institutions and CSOs to collect further inputs, which were reflected in the final report.

I. The legal and institutional framework for the promotion and protection of human rights

A. Legal and institutional framework (recommendations 16–17, 24–25, 27–42 of paragraph 115)

3. The legal and institutional framework for human rights protection and promotion in Cabo Verde is firmly established, as reported in the 2nd cycle UPR report. In terms of legal framework, the revision of the Penal Code in 2015 (Legislative Decree No 4/2015, November 11) is a major development, reinforcing national legislation on several issues. It criminalizes Trafficking in Persons, punishing whoever offers, gives, entices, transports, houses or shelters a person for purposes of sexual or work exploitation or removal of organs (article 271 A). The revised Penal Code provides guarantees to victims of trafficking by establishing that the victim will not be criminally responsible for having entered illegally into national territory or for having participated in any capacity in illegal activities, when these are a direct consequence of their victim situation. In addition, it criminalizes the practice of forced prostitution (articles 268 A and 268 B), recourse to child prostitution (article 145 A), while maintaining the crime of enticement of minors for sexual intercourse abroad (article 149), slavery (article 271), while article 148 criminalizes supporting or facilitating prostitution of children under 16. Articles 148 and 149 were revised to criminalize the facilitation of, or profiting from, the prostitution of children between 16 and 18 years old. Equally relevant to combat violence against children, it aggravated most of the penalties under sexual crimes and increased the age for article 145 – Sexual abuse of children aged between 14 and 16 years, to children between 14 and 18 years.

4. Through the revision of the Penal Code, Cabo Verde continued to adjust its national legislation to the **Rome Statute of the International Criminal Court**, with the introduction of articles on international crimes, namely on crimes of genocide, crimes against humanity and war crimes, updating the national criminal legal system.

5. New developments in the institutional framework include the entry into operation of the Ombudsman, who took office in December 2013, elected by Parliament. The statute of the Ombudsman's Office was promptly regulated in February 2014 (Decree-Law No 10/2014, February 21) and it presently employs 12 staff.[1]

6. The CNDHC continues to be the public entity in charge of the protection and promotion of Human Rights, Citizenship and International Humanitarian Law, and serving as an advisory and monitoring body for public policies in these domains. The CNDHC continues to monitor complaints of human rights violations and make recommendations to the Government and entities involved in the matter. From its creation to date, the funds

allocated to CNDHC have experienced a positive evolution. CNDHC's overall budget, coming from the State Budget was 15,226,282 CVE in 2014 and progressively increased to 20,818,073 CVE in 2018. CNDHC also implements several projects with funds from international organizations, especially the UN.

7. The II National Human Rights and Citizenship Plan (2017-2022) was approved in 2017 (Resolution No 127/2017, November 17) and foresees: (i) the implementation of a national strategy for human rights education through existing sectoral policies, covering all educational levels; (ii) the dissemination of a human rights culture in public administration, especially among justice staff and security agents, as well as for civil society and media professionals, through the promotion of education in human rights, including continuous training on ratified Conventions, that are binding, while making this knowledge a requirement for admission to public administration, the justice and security systems; (iii) positioning human rights as guidelines for the development of national policies and external policy; (iv) the conformation of CNDHC to the Paris Principles; (v) the establishment of a national preventive mechanism against torture, among many other measures, including towards vulnerable groups (older persons, persons with disability, immigrants, LGBTI persons).

8. To bring the CNDHC into conformity with the Paris Principles, namely in terms of independence and autonomy, a statute proposal is under discussion: the Ministry of Justice has suggested further detailing of areas of potential conflict of interest with the mandates of other institutions in terms of investigation functions; as well as competencies for complaint handling in view of out-of-court conflict resolution. the CNDHC is making final adjustments to the proposal, for Government for approval.

B. Ratification of international instruments and cooperation with United Nations mechanisms (recommendations 1–10, 12–15, 23, 56–63, 64 of paragraph 115)

Ratifications

9. Although Cabo Verde has not yet ratified the International **Convention for Protection of all Persons from on Enforced Disappearance (ICPPED)**, legislative measures necessary for its ratification have been taken, namely the amendment of the Penal Code, criminalizing forced disappearance. Specifically, through Article 268 B on Crimes against Humanity and its subparagraph (i), which defines forced disappearance in line with the Convention's definition. Ratification of the ICPPED is being envisaged.

10. During the period under review, Cabo Verde ratified:

- The Optional Protocol to the International Convention on Economic Social and Cultural Rights (ICESCR), on 23rd June 2014;
- The Optional Protocol to the Convention Against Torture (CAT), on 1st April 2016.

11. The OP-CAT foresees the establishment of a national preventive mechanism against torture within a year of its ratification and this is being envisaged. Presently, the mechanism to ensure that arrested or detained persons are not subjected to torture or ill-treatment, consists in inspection visits, conducted by the Public Prosecutors' Offices to prisons under their jurisdiction. The inspection visits are made with some frequency, although in some justice districts more than in others. The CNDHC has conducted periodic visits to prison facilities to assess the conditions in which persons deprived of liberty are placed.[2]

12. Although Cabo Verde has not ratified yet the **Convention relating to the Status of Refugee**, internally, Law 99/V/99 defines the legal regime for asylum and refugee status, while its regulatory framework is being prepared. In 2017 Cabo Verde received an application for asylum which was not granted for lack of the regulatory framework. Nonetheless, authorities ensured the stay of the concerned person through mechanisms other than the granting of asylum. Decree-Law 2/2015, January 6, authorizes border authorities to issue a single travel document for foreign citizens, refugees and stateless persons, at their request, to guarantee means for their exit from the country.

13. On 6 January 2016 Cabo Verde ratified UNESCO's **Convention for Safeguarding of the Intangible Cultural Heritage**.

Cooperation with United Nations human rights mechanisms

14. During the period under review, Cabo Verde's combined VII and VIII periodic report was considered by the CEDAW Committee (July 2013). Cabo Verde was also reviewed in November 2016, in the absence of a national report, by the CAT Committee, who requested the State to provide, by 7 December 2017, information on follow-up to the Committee's recommendations on fundamental legal safeguards, police brutality and the independence of the CNDHC (paragraphs 17, 21 and 27 of the concluding observations and recommendations). Cabo Verde shall be submitting the requested information to the CAT Committee and takes this opportunity to provide the information requested, namely in paragraphs 8 and 93–101.

15. Cabo Verde issued a standing invitation to the Human Rights Council special procedures mandate holders on 26 April 2013 and in January 2015 received the visit of the Special Rapporteur on Adequate Housing. A visit of the United Nations Special Rapporteur on the right to Development is expected in 2018.

16. Since 2013, Cabo Verde has submitted reports on the implementation of:

- **Convention on the Rights of the Child (CRC)**, the II, III and IV Combined Periodic Report, accompanied by the submission of the **Common Core Document** (submitted 12 October 2017);
- **CESCR**, the Initial Report (submitted 9 November 2017, Committee session scheduled for September 2018);
- **Convention on Elimination on All forms of Discrimination (CEDAW)** , IX Periodic Report (submitted 9 February 2018);
- International Convention on Civil and Political Rights (**ICCPR**), the Initial Report (submitted 9 February 2018).

17. To further improve the country's compliance with reporting obligations under Human Rights International Conventions ratified by Cabo Verde, in 2017 a specific mechanism was established, the *Inter-Ministry Commission for the Elaboration of National Reports* (Resolution No 55/2017, June 15), attached to the Prime Minister's Office. It is composed of representatives of governmental departments, with the responsibility, among others, to promote dialogue with CSOs and human rights institutions for the elaboration of reports. The Commission's members have recently been appointed by order of the Prime Minister (Order No 02/2018, February 2). An initial capacity building plan for the Commission is being envisaged.

II. Human rights promotion and protection

A. Rights of children (recommendations 26, 45–50, 82–87, 107 of paragraph 115 and 1, 5–6 of paragraph 116)

Child protection code

18. The Child and Adolescent Statute (ECA) was approved by Law No 50/VIII/2013, December 26. The ECA has updated and unified many substantive and procedural laws for compliance with the CRC and the recommendations made to Cabo Verde in this regard. ECA regulated civil guardianship protection measures, repealing previous dispositions in this domain, closing a profound reform of the sector, which aims to protect, guarantee, promote and restore the inherent rights of children and adolescents. Preparing ECA's regulatory framework is a priority.[3]

19. A good practice of collaboration between sectors was the training, by magistrates, of social workers from various sectors on ECA, as well as CSOs working on children's rights, preparing them for ECA's dissemination and implementation.

Birth registration

20. ECA establishes the obligation for simple and expeditious procedures for the timely registration of children, establishing no child should leave the hospital unit where he/she was born without registration (to be noted that 96% of deliveries in Cabo Verde occur in health facilities). The revision of the Civil Registry Code (Law No 75/VIII/2014, December 9) also improved the legal framework in this domain, determining that births occurred in a hospital must be registered before discharge from hospital, and that those occurring outside of hospital must be declared within 15 days after birth. Health or registry professionals, as a matter of course, can act when parents do not register the new-born, naming the child to preserve the right from birth to a name, while parents have 30 days to change the name given by the professional.

21. Cabo Verde implemented a *Registration at birth* project, jointly run by the Ministry of Health and the Ministry of Justice, through the Registry, Identification and Notary Services. The project created modern and effective mechanisms for registration at birth, based on online registration with the support of health professionals in health facilities, and free issuance of the first birth certificate at the time of registration.

22. The Registration at Birth Project was promoted through national campaigns under the motto *Birth Registration, our children's first right*, raising awareness on this human right of children. In terms of results, there was a change from a situation in which 80% of children under 5 years of age had not yet been registered to 8% of children from 0 to 6 years old who were not yet registered (INE, 2013, Survey on family practices). Registration at birth will also enable timely production of vital statistics, including on birth registration, facilitating the monitoring of the situation.

Corporal punishment

23. Corporal punishment at home or at school is prohibited by article 128 of the Civil Code and article 133 of the Penal Code. Additionally, ECA determines as unacceptable any situations that endangers the integrity of children and adolescents, in the form of any ill-treatment, abuse, violence and exploitation, which require the immediate intervention of the competent authorities. Article 31(2) establishes that *in exercising the power of correction, parents should always bear in mind the right of children and adolescents to education free of violence, corporal punishment, psychological offences and other measures against dignity, which are inadmissible*.

24. ECA determines that school disciplinary policies and regulations have a primarily pedagogical function and that the application of physical or humiliating sanctions against children or adolescents is expressly prohibited (article 17 and 51), which includes the case of girl students that have become pregnant.

25. Complaints regarding corporal punishment/ill-treatment are made through existing institutions and mechanisms, namely delegations of the Cape Verdean Institute of the Child and Adolescent (ICCA), Schools, Municipal Committees for the rights of children and adolescents, through a Toll-Free line, police, CNDHC, among others, and are accounted for in statistics as ill-treatment. The complaints are notified to the Public Prosecutor's Office and/or the Guardian ad Litem (in the case of the capital, Praia), for due judicial treatment of the cases.

Violence against children

26. The amendment of the Penal Code strengthened dispositions to combat violence against children (paragraph 3). In addition, aimed at countering sexual crimes against children, the Cabinet of Ministers approved in November 2016 the National Plan to Combat Sexual Violence Against Children and Adolescents (2017-2019), the 3rd plan of its kind.[4] In 2014, the Pro-Child Committee – the National Committee to Combat Sexual Abuse and Exploitation of Children and Adolescents, was established by a Cabinet resolution, to advise and coordinate activities from public and private organizations and services working in the domain.

27. The protection system for children victims of violence is the responsibility of all services assigned or coordinated by the ICCA, but also involves Health Delegations, National Police and Judicial Police, the Public Prosecutors' Offices, among other institutions. Services managed by ICCA include 5 Social Protection and Reintegration Centres, 6 Day Care Centres, a family shelter network, 3 Children's Emergency Centres and the 8001020 Toll Free line. ICCA and the Judiciary Police have established psychological support Offices for children who are victims of sexual abuse and exploitation. ICCA has also established at local level, in partnership with Municipal authorities, the National Police, Health Delegations and Education Delegations, 17 Committees for the rights of children and adolescents.

28. In terms of campaigns, the Toll-Free line (SOS Children Program) is well publicized to promote reporting, as can be seen through the number of complaints channelled through it. Additionally, in a joint action between ICCA and ICIEG (the Cape Verdean Institute for Gender Equality and Equity), a television and radio campaign was produced to combat sexual abuse. In July 2015 the Guide to combat sexual abuse and violence against children and adolescents was republished and launched. In 2016, the booklet "The Shared Secret" was published, which addresses the importance of reporting for cases of sexual abuse and violence.

Child labour

29. Concerning child labour, Cabo Verde has adopted an articulated set of legislative and institutional measures. The ECA (2013) brings protection measures relating to child labour (articles 60 to 68), while in 2016 the *List of Hazardous Work for children and adolescents*, and therefore prohibited, entered into force (Law No 113/VIII/2016, March 10). Not only does it establish more clearly the categories of worst forms of child labour and jobs considered hazardous, as it makes possible to periodically review the list and the mechanisms of supervision and accountability.

30. The National Action Plan for the Prevention and Eradication of Child Labour was developed (Resolution No43/2014, June 2), and the National Committee for the Prevention and Combat against Child Labour established by the Cabinet of Ministers.

Children in conflict with the law

31. Juvenile justice in Cabo Verde is aimed at promoting the minor's education on the law and his/her insertion in community life, in a dignified and responsible manner. The Guardianship and Socio-Educational Measures Law (Legislative-decree 2/2006, November 27) disciplines the socio-educational measures applied to minors between 12 and 16 years old who have committed acts comparable to crime. It foresees several measures: warnings, reparation to the offended, community work, imposed rules of conduct, imposed obligation and, as a last resort, institutionalization. This measure is not aimed at punishment and can only occur when the need for personality correction persists. Guardianship and Socio-Educational Measures are defined by Court, while Educational Custodial Services coordinate operational activities, and supervise and monitor the functioning of the Educational Centres. From 2009 to 2016, a total of 36 guardianship and socio-educational measures have been applied to children between 12 and 16 years of age, which corresponds to an average of under 5 children per year.

32. The Orlando Pantera Socio-Educational Centre, inaugurated in 2016 in Praia, island of Santiago, can accommodate 30 institutionalized children in conflict with the law, of both sexes, to promote their social reintegration.

33. Considering the need for specialization in this area, Cabo Verde has participated in several capacity building initiatives on Juvenile Justice/Juvenile Restorative Justice.

Education

34. The State assumes the responsibility for free, compulsory and universal education up to 8th grade, while it foresees the possibility of extension to secondary school (9th to 12th grade), when sustainability conditions are achieved, as per determination by the Cabinet of Ministers (Education Act, Legislative Decree No 2/2010, May 7). While this is already

implemented universally up to 6th grade, the Government's Program (2016-2021) foresees the exemption of school fees for students in 7th and 8th grades (under progressive implementation up to academic year 2018–2019).

35. Basic education is free, and no registration fees or monthly tuition fees are applied. Household expenses with the schooling of their children are limited to uniforms, school materials a small fee for examinations. Various programs donate uniforms and school materials to school children, promoted both by public institutions and CSOs, or even Cabo Verdean emigrants, through donation of school materials to their home communities. School books are subsidized and purchased by families at a low price.

36. In secondary education (9th grade and above), families pay a tuition fee, that is differentiation according to the socio-economic situation of families and the number of children enrolled in the educational system.

37. The extension of preschool to cover all children from 4 to 6 years of age, is a major development, aimed at reducing economic and social disparities in education, including for children with special education needs. Although 86% of children, on equal terms for boys and girls, already attend pre-school, children from poor households are twice as likely not to have access to preschool education, and when they attend, are more likely to have access to preschools with low quality. The Education Strategic Plan (2017-2021) looks at consolidating and implementing quality pre-school education, and the following measures are already under implementation: support to increase the number of kindergartens of Municipalities, NGOs and religious entities; the payment of preschool fees for children from vulnerable households; adapting preschool educational programs; increase in the number of kindergartens offering a hot meal; improvement of infrastructures of some kindergartens; and the provision of scholarships for the training of pre-school monitors, to improve the quality of this educational subsystem.

38. In 2017 the Cabinet of Ministers approved Decree-Law No 47/2017, October 26, establishing the measures for social and educational support to students during pregnancy, after child birth and while breastfeeding, aimed at girls' continued access to education in quality conditions, at all educational levels (basic, secondary, professional training, higher education).[5]

B. Respect and protection of the rights of vulnerable people and groups (recommendations 43–44, 51, 65, 80, 108 of paragraph 115)

39. Poverty continues to decrease in Cabo Verde, reflecting the commitment of successive governments to social inclusion. Nonetheless, absolute poverty still affects 35% of the population, a proportion that is higher in rural areas and for women. The Government's Program (2016-2021) foresees several social inclusion measures, such as the development of a Plan to combat poverty and social exclusion based on access to income, employment and economic development; social policies oriented to families and vulnerable groups such as women, the elderly and people with disabilities; the definition of preventive, protective and integrated solutions for families, according to their level of poverty, with a focus on access to basic services. Specific attention is dedicated to care of dependents (children, older persons and persons with disabilities), placing them at the centre of social inclusion and family support public policies, which will contribute to gender equality and reconciliation of work and family life.

40. An Inter-Ministry Group was tasked with the design and monitoring of the *Access to Income, Education, Care and Health Program* (PGA) (Resolution No 89/2016, December 23). The PGA's main components are (i) Inclusion Income Support, through direct transfers to vulnerable families, to ensure access to basic goods and services, (ii) Care System of dependents, through indirect transfers to families, establishing contracts with public and private organizations for the provision of care services, namely to children 0-3 years, older persons, disabled, and (iii) Access to Education and Health, through indirect transfers to families, establishing contracts with Town Halls for medication for non-contributory regime, and access of children from low income families to preschools.

41. Members of the Inter-Ministerial Group were trained and prepared the *National Care Plan*, which was finalized in March 2017 and approved by the Cabinet of Ministers (Resolution No 143/2017, December 6). The plan is structured around 6 strategic objectives: (i) enlarge the support network for families dependent on care services, including a needs mapping at municipal level, and technical and financial support to care initiatives (including kindergartens and care of dependents); (ii) establish an administrative and normative framework for the care system; (iii) develop a care training plan, including the design of capacity strengthening curricula for kindergartens and assistants for care dependent adults, the establishment of a data base of professionals per municipality, the identification of women caregiver that can be professionalized; (iv) establish an internal and external communication network; (v) establish a management system for access, information and knowledge management; and (vi) guarantee the sustainable and solidarity funding of the system.

42. At the same time, Cabo Verde is in the process establishing a Unified Social Registry of Beneficiaries of Social Protection, to enable the registration of vulnerable families as well as the full array of benefits they can receive under different vulnerability situations. The Social Registry will be a management and planning instrument, to evaluate gaps and overlaps in social protection programs and lines of action. Additionally, the Social Charter (describing the network of services and social structures in the country) is due to be updated and linked to the Social Registry.

43. The National Poverty Reduction Program has mainly targeted rural areas over the last few years, while mainstreaming gender equality.[6]

Non-discrimination

44. To prevent discrimination and to ensure the harmonious integration of immigrants in society, under the National Immigration Strategy, the Government designed in 2013 a specific project to dialogue with and strengthen civil society in promoting the social integration of immigrant communities in Cabo Verde – the Project for the Social Integration of the Immigrant, which has promoted training in various human rights issues and the fight against discriminatory stereotypes. The Multiculturalism Promotion project is also under implementation, which aims to raise awareness towards tolerance and respect for cultural diversity in Cabo Verde, implemented through the dissemination of studies, campaigns, fairs, conferences and lectures.

45. The Education Strategic Plan (2017-2020) foresees the mainstreaming of human rights, gender equality and citizenship in the curriculum, integrated in different school subjects by setting specific learning targets, to ensure they are taught in all cycles, from elementary to high school. The Ministry of Education is working on the revision of the Basic and Secondary School Education Programs and Curriculum.

46. To help suppress the existing patriarchal and gender stereotypes, the 2nd National Plan to Combat Gender-Based Violence (2015-2018) was developed, with awareness-raising measures to promote equality, a culture of non-violence, change in cultural and social norms and the deconstruction of sexist and discriminatory stereotypes.

47. Social communication is required to abstain from discrimination based on race, religion, sex, sexual orientation, disabilities, illnesses, political convictions and social conditions, while declarations found to incite to hatred are liable for criminal sanctions (Law 70/VII/2010, Law 71/VII/2010, Law 73/VII/2010, published 16 August, and Law n°90/VIII/2015, published 4 July). The legislation also foresees the duty of sector professionals to combat, through the practice of the profession, intolerance, racism, crime, drug abuse, and attacks on public health and the environment.

Refugees, migrants and asylum seekers

48. In 2015, the provisions for the extraordinary regularization of foreign nationals who are in an irregular situation in the national territory was established (Decree-Law No 01/2015, January 6), on the same date as the regulatory framework for the *Law on the entry, stay, exit and removal of foreign nationals from Cabo Verde* (Law No 66/VIII/2014, July 17; regulated by Decree-law 2/2015, January 6). Earlier, in 2010, through the Decree-Law

13/2010 (April 26), a special process had been established for the regularization of the status of Bissau Guinean citizens, who were in the national territory without legal authorization to stay. The 2010 extraordinary regularization process resulted in the regularization of 1,458 citizens and the 2015 process of 1,058 citizens (888 male and 170 were female).

49. Under the National Immigration Action Plan (2013-2016) several activities have been implemented to promote harmonious integration of immigrants (paragraph 44).[7] Based on lessons learnt from the implementation of the I Plan, the II National Immigration Action Plan (2018-2020) has just been formulated, around 3 strategic pillars: (i) migration flows management (entry, reception, residence, investments, work, etc.); (ii) integration (training, acquisition of nationality, housing, health, etc.); (iii) institutional development. Additionally, a Program to Support Immigrants at Risk has been formulated and the definition of risk situations is being regulated.

Older persons

50. The protection of older persons by the State has consisted in the granting of a non-contributory monthly social pension, through the National Pension Centre, to all older persons who do not have their own means of subsistence, as well as medical and medication assistance in public health services. More details are provided as to the number of beneficiaries in paragraph 108, on social protection.

51. Local authorities have intervened in the establishment of day-care centres and homes, to assist older persons in open regime.

52. The *National Strategic Plan for Active Aging and Care 2017-2021* has been developed, approved and awaits publication in the Official Bulletin. It is organized around 5 priority pillars: (i) multidisciplinary work across a network of services, offering humanized efficient quality services; (ii) promotion of health and active aging, across the life cycle and preventing illness in old age; (iii) care across the life cycle to prevent and control chronic diseases; (iv) coordinated management; and (v) intersectionality, across all programs and sectors dealing with the older persons.

Persons with disabilities

53. To replaces previous legislation dating from 2000, Law No 40/VIII/2013 was passed to provide an integrated and crosscutting vision of prevention, qualification, rehabilitation and participation of persons with disabilities, aligned with the Convention ratified by Cabo Verde in 2011. It is currently being regulated, while Decree-Law no. 38/2015, which establishes procedures for recruitment and selection in Public Administration, foresees a 5% quota for persons with disabilities.

54. Fiscal benefits have been approved for enterprises that create jobs for disabled person (Law No. 26/VIII/2013, January 21, approving the Code of Tax Benefits, with amendments by Law 102/VIII/2016, January 6 and the State Budget for 2017).

55. Decree No 7/2017 (March 6) considers persons from low-income household and persons with disabilities as potential beneficiaries for scholarships for vocational training awarded by the Ministry of Family and Social Inclusion (MFIS).

56. The State Budget for 2017 (Law No 5/IX/2016, December 30 and Law No 20/IX/2017, December 30) determines, from academic year 2017/2018 onwards, the free enrolment and attendance of persons with disabilities at public educational establishments (preschool, basic, secondary, vocational training), including private schools, under terms to be regulated by the Government.

57. The equitable access of children with special education needs to preschool will be promoted, under the Education Strategic Plan (2017-2021) through the provision of adequate educational materials and training for educators. Preschool level will be linked to a program managed by the MFIS (promoting access to health care and care of children with disabilities 0-3 years of age, within the National Care System). The Plan also foresees the fitting of access ramps and other mobility solutions in all educational facilities and

considers children with special education needs as a target group for school social action programs.

C. Promotion of gender equality (recommendations 63, 66–79, 81 of paragraph 115 and 2–4 of paragraph 116)

National Gender Equality Plan

58. In April 2015, the new National Gender Equality Plan (2015-2018) was approved (Resolution No 40/2016, March 23). It is structured around 8 strategic pillars: (1) Health, (2) Sexual and Reproductive Rights, (3) GBV (which counts on a specific action plan), (4) Education and professional training, (5) Productive economy, (6) Reproductive economy, (7) Political participation, decision making and communication, (8) Institutional strengthening towards improved gender mainstreaming in public policies.

59. Furthermore, the new Government structure (Decree-law No 37/2016, June 17) establishes the Ministry of Family and Social Inclusion as the governmental department responsible for the areas of childhood, elderly, persons with disabilities, fight against poverty and promotion of gender equality. Thus, for the first time, a Minister has responsibilities on gender equality, in addition to ICIEG's oversight.

60. Under the period under review considerable efforts have been made to mainstream gender in public policies and budgets and to give visibility to existing inequality, based on evidence. A *Time use survey* was conducted, enabling public discussion of a root cause of gender equality, considering women are assigned almost exclusive responsibility for domestic work, education of children and family care, based on gender roles and stereotypes. Grounded on the survey results, a National Conference on Gender, Family and Social Policy was conducted in 2014, which resulted in the consolidated notion that care work needs recognition: indeed, being performed mainly as unpaid work and not accounted for in national accounts, it is invisible to the economy and for public policy decision making, especially economic policy. As already mentioned, this has led to the establishment of the National Care System.

61. Another major achievement was the piloting, within the 2018 State Budget, of a gender marker system, enabling budgets to be market as to their contribution to gender equality, which will in turn facilitate monitoring and accountability on gender equality.

Gender Based Violence (GBV)

62. In terms of legal framework, the regulatory framework of the GBV Law was approved (Decree-law No 8/2015, January 27). Also, in 2015, Resolution 97/2015, October1, established the *GBV Support Fund*. The statute proposal for its operationalization is being analysed, to be approved by the Cabinet of Ministers. The Fund will be funded, among others, by 15% of the revenue generated by property seized by the State, as foreseen by Law n°18/VIII/2012, September 13 (article 17, 1d).

63. Capacity building of institutions and staff responsible for the implementation of the GBV Law has been enormous, covering the national police, magistrates, lawyers, health technicians and various education and civil society stakeholders, focusing on the deconstruction of sexist and discriminatory stereotypes, the various types of violence foreseen by the GBV Law, including sexual harassment in the work place and schools, compulsory reporting of GBV and the responsibilities of each sector in the GBV Law implementation, as determined by GBV Law. Standard operating procedures were established for the Police and Health sector, as well as manuals of good practices for education (Education for equality and non-violence) and the media. Additionally, the National Police Training Centre introduced a module on Gender and GBV in Police agent's initial training.

64. Despite being foreseen by the GBV Law, shelter homes have not been established yet, which is recognized as a weakness of support and protection measures to GBV victims, especially the ones at risk. In 2013 the State made available a space for emergency shelter

in Praia but it did not come into operation due to the lack of resources for its maintenance. Presently temporary shelter can only be ensured through funding of accommodation costs.

Awareness raising

65. The project *Equality Promoting Schools was implemented*, involving schools from the islands of Fogo, Sal and urban Praia (with higher GBV statistics).[8]

66. Several campaign materials were produced and disseminated on radios and television, as well as booklets and leaflets, including on GBV in dating and a 2nd edition of the pocket booklet *All you need to know about the GBV Law*.

Principle of "equal pay for equal work"

67. The principle of equal pay for work of equal value has not yet been incorporated in the Labour Code.

68. Nonetheless, in view of the future integration and implementation of this principle, several actors were trained, namely trade unions, employers' associations, women parliamentarians and CSO, to strengthen their capacity to promote women's decent work agenda: the training, conducted in June 2016, focused on ILO Conventions nº100, on equal remuneration of men and women for work of equal value, nº111, on discrimination in employment and occupation, nº156, on equal opportunities and treatment for men and women workers, nº183, on maternity protection, and nº189, on decent work for domestic workers. The training included a comparative analysis of international labour standards against national laws, as well as recommendations received by Cabo Verde and constraints to their full implementation. An *Advocacy action plan to promote gender equality in the work context* was prepared based on priorities identified and is being implemented.

Participation in political and public life

69. Cabo Verde had 3 elections in 2016, Legislative, Municipal and Presidential. Both in Legislative and Municipal elections women's representation increased (20.8% to 23.6% in Parliament; 22% to 26.3% in local elections), but modestly. Recognizing this, the 2016 Government Plan has committed with the promotion of a Parity Law.

70. Women's progressive incorporation in all areas of public life and at decision making level continues to evolve. The Supreme Court of Justice counts on 2 women judges out of 7 judges (28.6%) and the President is a woman. The Superior Council of Magistrates also has a women president. The President of the Bar Association is, for the second consecutive time, a woman. Data from the 2016 employment survey indicate that the proportion of women in the category *legislative and executive representatives, directors and executive managers* is 43.3%. In the Education sector, decentralized decision-making posts, traditionally occupied by men, evolved towards parity, while in Secondary Schools women headmistresses increased to 39%. The Rector of the public University of Cabo Verde is a woman since 2014.

Education

71. The gap between women and men in literacy rates continues to reduce, reflecting investments made. Illiteracy stills affects women more, especially older rural and urban women, but only 2.8% of rural women in the age group 25–34 are illiterate.

72. In terms of vocational choices, girls in secondary school have diversified their choices: in 2015/2016 girls represent 49.2% of students in science and technology. All secondary schools had a vocational orientation office over the 2012–2016 period, supporting students (8th to 12th grades). Each vocational office has to promote girls' and boys' reflection on the importance of professional choices for the elimination of occupational segregation and improve women's employability.

73. Between 2014 and 2016 the Curriculum for Entrepreneurship was piloted (secondary school and professional training): course contents include gender issues, namely: (i) myths and prejudice about the nature of work according to gender, and (ii)

gender discrimination and inequality in work context and in society, and ways to prevent it. The Curriculum is now generalized to the last cycle of secondary school.

74. In 2016, in commemoration of *Girls in ICT Day*, the University of Cabo Verde organized an international conference on the *Empowerment of Women in ICT in Cabo Verde*, to promote public debate on the issue.

Employment

75. The *Action plan to Mainstream Gender in Tourism* (2016-2018) and the *National Transition Strategy from the Informal to the Formal Economy* (2017-2020) are key references, considering more women than men are part of the labour force in these sectors. In 2014, the Special Regime for Micro and Small Enterprises (Law No 70/VII/2014, August 26) introduced a tax and contributory framework directed to Informal Production Units, providing informal sector with several benefits, to favour their competitiveness, productivity and formalization.

76. Among other measures to promote employment, the Institute of Employment and Vocational Training implemented a *National Professional Internship Program*, enabling young people with higher education looking for their 1st job, to have work experience, contributing to improve their personal, social and technical skills. The program has benefitted hundreds of young people, especially young women (68.6% of beneficiaries in 2015). With reference to 2014, the rate of labour market insertion after completion of the internship is 68%.

77. In 2015 IEFP (Instituto de Emprego e Formação Profissional) piloted a new program for the insertion of long-term unemployed persons: capacity building initiatives were implemented for 89 persons (83% women) registered for over a year at 4 Employment Centres. In terms of employability, the pilot phase resulted in 73% beneficiaries inserted in the labour market.

78. In 2017 the Micro Entrepreneurship Youth Program was created (Resolution No 35/2017, April 25), aimed at promoting and formalizing youth entrepreneurship and generating employment and income, targeting microenterprises or cooperatives that are held (at least in 60%) by people aged 18 to 35 years. The Program establishes that 50% of funding available is provided to eligible projects lead by women.

D. Trafficking in persons (recommendations 88–96 of paragraph 115)

79. As mentioned in paragraph 3, the amended Penal Code strengthened the national legal framework to combat trafficking in persons (TIP). Additionally, the *Law on the entry, stay, exit and removal of foreign nationals from Cabo Verde* includes measures to combat, prevent and repress TIP and authorizes the temporary residence of foreign nationals that were victim to crimes connected to TIP, contributing to the punishment of such crimes (as victims are key witnesses). It establishes that subsistence and urgent medical treatment must be ensured to victims lacking economic conditions, and special guarantees in repatriation, especially for pregnant women and victims of torture, sexual assault or other severe forms of psychological, physical or sexual violence, among others. CNDHC is responsible for monitoring the respect of human rights standards in the implementation of repatriation procedures. Several provisions relating on smuggling of migrants were also incorporated, hence aligning the national law with some of the main requirements set in the Smuggling of Migrants Protocol.

80. Since entry into force of the revised Penal Code (December 2015) Cabo Verde has systematic data on the crimes of TIP and forced prostitution. Until end of 2016, 2 cases were tried. Up to February 2017 the Public Attorney's Office registered 3 complaints of TIP, that are under investigation.

81. As far as child trafficking is concerned, it is the duty of the State to protect children and adolescents against unauthorized and illegal circulation in national territory or exiting the country (article 32 (3), ECA). The same requirements apply in the case of a foreign

child. The National Police is responsible for supervising the movement of children at the air and sea borders, which require authorization.

82. Until 2016 no cases of TIP or kidnapping of minors are signalled. The Criminal Police registered 4 cases of procuring and 1 case of exploitation of minor for pornographic ends. Beginning of 2018, 4 cases of missing children are under investigation by the Criminal Police (2 cases having occurred in 2017).

83. The National Plan to combat Trafficking in Persons (2018-2021) has recently been developed and is presently being socialized to collect further inputs, before its finalization and approval. It is organized around 4 strategic areas: (i) Prevention of TIP (knowledge, prevention and awareness raising); (ii) Protection and assistance to victims (intervention and capacity), including rehabilitation; (iii) Investigation and repression of TIP; and (v) Cooperation at national, regional and international level.

84. The Attorney-General of the Republic is the central authority in cooperation in criminal matters and has intensified international cooperation, aimed among others at a broad and direct cooperation on transnational organized crime and related crimes, through information exchange, technical assistance and investigation exchange. This includes cooperation with the Community of Portuguese Language Countries (CPLP), the European Union, UNODC, and bilateral cooperation with several countries. This has contributed to expand the institutional capacity of institutions such as the National Police, border control officials, the judiciary, through training, experience exchange and establishment of procedures.

E. Rule of law (recommendations 97–101 of paragraph 115, 8–10 of paragraph 116)

85. The most recent report of the Superior Council of the Judiciary shows that the rate of resolution per case entered at the Courts is 98.2%, while the rate of resolution per pending case is 46.6%, and there is a backlog rate of 2.1%.

86. The Constitutional Court was established in 2015 and operationalize, which released the Supreme Court of Justice from those functions. The establishment and operationalization of Courts of Appeal (covering Sotavento and Barlavento islands), end of 2016, also enabled the Supreme Court of Justice to effectively exercise review power. With the 3 levels of courts now operational, each level can be dedicated to its mandate, which will contribute to efficiency and timely responses. Additionally, the reform process established a bench of seven Judges for the Supreme Court of Justice, enabling them to be organized in three sections (Civil; Criminal; and Tax, Labour and Administrative), which will lead to specialization and timely responses.

87. The Justice Information System has received attention since 2014. Work is ongoing on the process of digitization and computerization of the proceedings.

88. The establishment of an Integrated Operational Management System (SIGO) is being finalized, with the aim of simplifying and accelerating the collection, treatment and sharing of information among staff of the Public Prosecutor's Office and with other entities from the security and justice sectors.

89. In 2015 the Inspection of the Judiciary was regulated (Law No 84/VIII/2015, April 6) as well as that of the Public Prosecutor (Law No 85/VIII/2015, April 6), regulating the inspection and control of court and public prosecutor's offices activities, as well as the services provided by Judges and Public Prosecutors.

90. Another measure adopted was the introduction of a mechanism for accelerating delayed cases: when the defined deadlines for each phase of the proceeding have been exceeded, the Public Prosecutor, the accused, the assistant or the civil parties may request the acceleration of proceedings. No such requests were made to the Council of Judiciary, whereas the Superior Council of Public Prosecutors' received at least 3.

91. Both the Council of Judiciary and the Council of Public Prosecutors' were strengthened in terms of human resources, which is also the case for the Criminal Police

and the National Police. The Criminal Police Training Centre was established, while the Legal Medicine and Forensic Science Institute is being established.

92. In 2017, the Ministry of Justice conducted a study on the situation of the Justice sector, including technical, human, material, financial and logistical means, which made several recommendations. Based on the study the Ministry of Justice is developing the Strategic Plan for the Justice Sector (2018-2028), in partnership with the Criminal Police General Directorate and the National Police General Directorate.

Impunity and abuse of authority

93. Torture, cruel, degrading or inhuman treatment or punishment are prohibited in Cabo Verde, the Penal Code prohibits such conducts in quite a broad way. No cases of reported crime of torture exist at the level of the Police, CNDHC or the Ombudsman's Office. At the level of Courts, at least 5 situations in which torture or other cruel treatment was invoked were identified: 2 cases in progress and 3 cases involved police officers and prison security guards.

94. The measures in place to ensure arrested or detained persons are not subjected to torture or ill-treatment are mentioned in paragraph 11, while procedures for filing complaints of torture or ill-treatment against the police, security forces or prison guards exist and follow the procedures defined by the criminal procedural law.

95. Both CNDHC and the Ombudsman received complaints of abuse of authority or police aggression. CNDHC indicates that in 2015, this type of complaint represents 11% of all complaints received. The Ombudsman indicates that in 2016/2017, complaints against police officers represents 6% of the total complaints received, some of which, or all, may be due to excessive use of force.

96. Court information on abuse of force (other than torture) is harder to analyse, since cases of personal aggression, or even homicide, do not make distinction between police officer and any other ordinary citizens.

97. The National Police registered 25 complaints of police violence submitted in 2016 (15 complaints in 2017, up to May). All complaints were investigated, and authors legally held responsible when considered guilty.

98. Disciplinary proceedings, to establish whether there has been a violation of professional duties, are conducted by senior management, and the investigation proceeds under the supervision of the responsible member of Government. The process for the conduct of proceedings is defined in the Disciplinary Statute of Public Administration Officers and Agents. If, in addition to a violation of professional duties, the conduct is typified as a criminal offense, the case is submitted to the Public Prosecutor, responsible for carrying out criminal proceeding.

99. To further ensure breaches of duty by prison guards are investigated and punished, the Statute of Prison Security Personnel and its Disciplinary Statute was amended in 2014 (Decree Law No 61/2014 and 60/2014, November 5).

100. In 2015 the Code of Ethics and Conduct of the for Public Administration Officers was approved (Resolution No 6/2015, February 11), which includes the prohibition abuse of authority, while foreseeing the establishment of an Ethics Committee in all Governmental Departments to guarantee the implementation of the Code's principles.

101. The National Police Training Centre introduced a module on Human Rights in police agents initial training, which includes the CAT as one of its topics. Additionally, CNDHC, in partnership with General-Directorate of Prison Services and Social Rehabilitation, has conducted trainings for prison guards of all prison establishments, with torture as one of the topics (2008, 2009, 2013, 2014).

Prisons of minors

102. As for the separation between juveniles' and adults in prison, Praia (São Martinho) and São Vicente prisons are fully compliant, Fogo and Sal's are partially compliant (only separated cells), while Santo Antão's does not have conditions for compliance.

103. Between 2013 and 2016, Praia prison received 7 children aged 16 to 18 years old (4 were 17 years and 3 were 18 years); São Vicente prison also received 7 children (2 were 17 and 5 were 18); Fogo prison received 9 children (1 was 16, 2 were 17 and 6 were 18); and Sal prison received 3 children (1 was 16 and 2 were 17).

104. Given that in two decades (1997–2016) the prison population has almost tripled, to enable the effective and systematic separation of prisoners by sex, age, type of crime and nature of imprisonment, the Regional Prison of Sal was built (2013), and the women's wing Praia's prison was expanded.

Detention conditions

105. The Government is aware that the increase in the prison population has organizational implications and functional complexities that must be addressed and regulated. To this end, it revised the Regulation applicable to the Central Prison of Praia (Ordinance No 14/2016, March 23), extendable to other prisons in the country. The Regulation establishes the imperative to create a health sector specially designed for care, including psychiatric care; to create a unit for treatment of drug addiction; as well as a more efficient security control system, among others. The number of health professionals (doctors and nurses) assigned to prison establishments has increased, as well as the medication stock. Praia prison, the largest in the country, has a Free of Drugs Unit, for the treatment and social-reintegration of drug addicted prisoners.

106. To remedy problems associated with overcrowding, hygiene, illness, malnutrition and violence among prisoners, communication between prison Directors and the General-Directorate of Prison Services and Social Rehabilitation was improved, to better anticipate material needs and mobilize budgetary resources. This Directorate is also responsible for social service provided to inmates, which include psychosocial, educational and vocational training support (Decree Law No 47/2016, 27 September).

107. A prison census is underway with the collaboration of the National Institute of Statistics and will inform the development of a Social Rehabilitation Plan.

F. Social and economic rights (recommendations 63, 102–106, 112 of paragraph 115 and 11 of paragraph 116)

Social protection system

108. Social security in Cabo Verde covers approximately 227.439 people, of which 206.241 through the contributory subsystem, and 21.198 through the non-contributory subsystem. This means that the contributory regime covers close to 40% of the population (including direct and indirect beneficiaries). The non-contributory scheme is aimed at people living in poverty, at risk and/or in a situation of social exclusion, and considers 3 modalities: basic pension, disability social pension and survivor's social pension. The beneficiaries are mainly older persons, chronically ill, persons with disability or invalidity and close to 43% of the population aged 60 or over is covered. ILO recently considered Cabo Verde as a "*successful experience of expansion of social protection*" and one of the most advanced nations in Africa in the establishment of a social protection floor.

109. The Social Protection Law is being revised to include *Inclusion Income Support*.

110. A major development in social security, is the unemployment benefit, approved through Decree-Law No 15/2015, dated March 5. Although the regime was published and expressly established to be in force from April 2016, unions and INPS (National Institute of Social Security) reached an understanding in a social dialogue meeting (October 2016) to extend its allocation to 2017. Decree-Law No 23/2017 (5 March) establishes the data of 1st May 2017 for entry into force of the unemployment benefit in a phased way, starting with the general regime, while special regimes (domestic employees, public administration and the special regime for micro and small enterprises) will be incorporated in a phased way, through a specific diploma. INPS is responsible for administering the benefit and the IEFP for managing active employment measures. The unemployment benefit counts on the

workers' contribution (increase in their contribution rate to INPS by 0.5%), as well as from the employer (rate increase by 1.5%). The INPS in turn contributes with a rate of 1.5%.

Health

111. Significant gains have been achieved in population's access to quality health services, with the expansion and improvement of health care, through the increase and upgrade of infrastructures, the creation of Health Centres aimed at primary care and extended care in Praia and in São Vicente, the most populous cities/islands. Specialized human resources and equipment have increased, especially in primary and secondary care services for children, pregnant women and new-borns. The national vaccination plan has been expanded, which today includes 10 vaccines free of charge, compared to 6 vaccines previously (available in all health facilities in the country).

112. The basic Package of Essential Health Services, provided free of charge, at national level (urban and rural) include reproductive health services for both women and men, care of infectious/transmissible diseases (HIV/AIDS, STI, Tuberculosis, among others, including anti-retroviral treatment, which is now available in all municipalities of the country), integrated attention to child illnesses (AIDI), among other services/care. All pregnant women have free access to SRH services, which includes the prenatal HIV teste, antenatal and postnatal care. The basic package also includes free screening services for breast and cervix cancer, as well as prostate cancer.

Water and sanitation

113. The new Water and Sanitation Code, approved in 2015 (Legislative Decree No 3/2015, October 19), identifies the most vulnerable population groups, requires the adoption of equality plans by the municipal water and sanitation services (article 31) and social and gender obligations under concessions (article 127, 143). Planning in the sector is required to mainstreams poverty reduction and gender equality (article 94).

114. As part of the regulatory framework for prices of water and sanitation, Decree-Law No 26/2016 (April 12) foresees the differentiation of tariffs for the poorest (to guarantee a level of minimum consumption compatible with public health, at a value related to the ability to pay). The National Strategic Water and Sanitation Plan (Resolution No 10/2015, February 20) established 40 litres of water per person/day as the minimum access.

115. The State Budget for 2018 (Law No 20/IX/2017, December 30) includes the social tariff for water supply, as well as electricity, to vulnerable consumers, calculated by means of a discount on the tariff applicable. Governmental departments responsible for water, electricity and social inclusion and finance, together with the Economic Regulation Agency, are required to publish, within 90 days, the normative act that establishes the modality of implementation of the measure (level of discount, eligibility criteria, mechanisms for financing, supervision and implementation).

116. A Water and Sanitation Fund was established, with a Social Access Fund as a sub-component, aimed at promoting disadvantaged population's access to water and toilet/sewage network connections. It funded home network connections for 4,343 households, of which 2,790 headed by women (64%) and their respective families (approximately 27,518 beneficiaries), many in rural communities.

Housing

117. Housing of social interest is contemplated in the *House for All* Program in 3 categories: A (houses for people with incomes up to 40,000 CVE), B (between 40,000 and 100,000 CVE) and C (up to 180,000 CVE). Of the 1,967 assigned dwellings, 1,091 were through a lease agreement (Class A) and 676 through purchase and sale agreements (422 class B and 254 Class C). The Program requires 5% of all dwellings, in all constructions, to be wheelchair-prepared and with adequate accessibility. This rule has been applied in the construction and allocation process, and these dwelling are reserved exclusively for people with such needs. Women headed households represent 58% of beneficiaries that were allocated houses by the Program (676).

Employment

118. The Government Program (2016-2021) presents policy measures that include active employment policies and stresses the importance of the social economy in expanding employment, equal opportunity and promoting social, environmental and historical assets to support development.

119. To stimulate employment, measures have been taken, such as: incentives for companies recruiting young people, co-financing of professional internship in partnership with the private sector; the promotion of entrepreneurship; strengthening the skills of young graduates, through retraining and qualification programs; the promotion of financing for enterprises. Paragraphs 76–78 provide details on some of the programs and measures implemented, both for women and men.

120. In January 2014, a national minimum wage was established, set at 11,000 CVE (Decree-Law No 6/2014, January 29), applicable to all employees who are subject to the Labour Code regime. The non-payment of the established amount constitutes a *serious administrative offence*, punishable by a fine. Through the Budget Law for 2018 (Law No 20/IX/2017, December 30) the value was increased to 13,000 CVE.

Culture

121. A Law on intangible cultural heritage is being finalized. In relation to rights of authors, the national legislation has been amended to reflect international standards, while considering the facilitation of access to knowledge by persons with disabilities.

Climate change

122. Cabo Verde has intensified the production of renewable energies, especially solar and wind energy, and formulated in 2015 the National Renewable Energy Plan, a roadmap to become 100% renewable for electricity generation, as well as the National Energy Efficiency Plan. The energy-water nexus will also be addressed. Cabo Verde developed strategies to address the risks posed by climate change and reducing risks of disasters is a priority area: a disaster risk assessment was conducted, to inform the elaboration of a multi-sectoral strategy. Nonetheless, resource mobilization will be key for implementation, considering the intensive investments that will be required, both financially and in terms of know-how, to implement strategies in these domains.

G. International Technical Assistance (recommendations 52 to 55 of paragraph 115)

123. During the period under review Cabo Verde counted on the partnership of different international cooperation entities in many domains, and several of the achievements in the promotion and protection of human rights that have been reported benefitted from their technical and/or financial support. Cabo Verde looks forward to the continuation of the productive relationship it has with its cooperation partners.

III. Conclusion

124. The present report is selective in terms of key achievements over the period under review and, although not exhaustive, illustrates Cabo Verde's commitment to the implementation of the recommendations received during the 2nd cycle UPR and in the fulfilment of its international human rights commitments.

Notes

[1] From 2014 to June 2017, the Ombudsman received 492 complaints, 36 collective and 456 individual complaints, signed overall by 1,112 citizens. Of the total 492 reports received, 322 were admitted as complaints, 134 were not admitted and 36 are in preliminary analysis. By the end of the 1st semester of 2017, 221 of the admitted complaints were solved and 101 have proceedings in progress. Although most complaints come from Santiago, the most populated island of the country, the Ombudsman has received complaints from all islands and even from the Diaspora (6 complaints). To better reach all islands, the Ombudsman's Office has signed protocols with 9 Municipal Assemblies and Town Halls, while another 7 are ready to be signed. The protocol includes collaboration in disseminating information on the Ombudsman, training of staff at municipal level where required and the provision of easy direct contact lines for citizens to submit complaints.

[2] Visits to Praia Central Prison in 2005, 2007, 2012, 2014 e 2016; Military Prison in 2013, 2014, 2016, the Social Reintegration Centre Orlando Pantera, for children adolescents in conflict with the law, in 2017; Prisons and Police Stations in the islands of São Vicente, Santo Antão and Sal in 2013 and 2014.

[3] To prepare ECA's regulatory framework, a working group was established in 2017, including the Public Prosecutor's Office, the Judiciary, UNICEF, CNDHC and ICCA.

[4] The Plan is structured in 5 dimensions: (1) participation of children and adolescents, emphasizing their active role in defending their rights, promoting self-care and in the process of evaluating the protection policies targeted to them, (2) prevention, (3) care, (4) accountability, including updating the legal framework, improvement of surveillance, upgrading of reporting systems and accountability flows, with a view to maximizing the reduction of impunity, and (5) mobilization of local and multilateral alliances for implementation of the Plan.

[5] The Decree-law establishes the right to 60 days of maternity leave after child birth; leave before childbirth in clinical risk situations; a special regime of leave postpartum (justified leave for consultation, illness and assistance to the baby); and adjustments of evaluation rules according to need (deadlines and modalities), among other measures.

[6] Under the current cycle, between 2014 and 2016, 4,395 persons were benefited (51% women), through 381 economic micro projects and 409 social micro projects. The program's mid-term evaluation noted the quality of micro projects and estimated 76% have sustainability potential.

[7] Additional activities include the training of 303 leaders and members of immigrant associations in project design and management, associative and financial management, leadership and immigration issues; the funding of projects of immigrant association on literacy, small business management, handicrafts, vocational training, etc. Out of the 23 integration projects supported by the General Directorate for Immigration from 2013 to 2017, 46% of beneficiaries were women and 4 civil society projects from 2015/2016 specifically targeted the economic empowerment of immigrant women.

[8] Under the project 257 teachers were trained, who subsequently prepared and implemented 24 Action Plans to promote gender equality and combat GBV, through activities in classrooms, school and school communities. The project developed campaign materials, including 3 TV spots.

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Compilation on Cabo Verde

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. In 2016, the Committee against Torture invited Cabo Verde to ratify the core United Nations human rights instruments to which it was not yet a party.[3] In 2015, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families also invited Cabo Verde to accede to the International Labour Organization (ILO) conventions to which it was not yet a party.[4]

3. The Committee against Torture encouraged Cabo Verde to make the declaration under article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as accepted in the context of the universal periodic review.[5] The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families also encouraged Cabo Verde to make the declarations under articles 76 and 77 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[6]

4. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recalled that, during the previous review cycle, it had recommended that Cabo Verde become a State party to the Convention against Discrimination in Education. In the context of Sustainable Development Goal 4 on education, ratifying that Convention would provide Cabo Verde with a supportive legal environment for all its efforts to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. UNESCO therefore reiterated that recommendation and encouraged Cabo Verde to engage actively in the process of ratification of that Convention.[7]

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III. National human rights framework[8]

5. Notwithstanding the amendment to the Criminal Code in 2015, the Committee against Torture called on Cabo Verde to amend article 162 of the Code in order to explicitly include discrimination among the purposes for inflicting torture and to ensure that the infliction of torture by or at the instigation of or with the consent or acquiescence of a public official or any other person acting in an official capacity was also included in the definition of torture. The Committee urged Cabo Verde to ensure that both the crime of torture and attempting to commit such a crime were punishable by appropriate penalties, and that acts amounting to torture were not subject to a statute of limitations.[9]

6. The same Committee was concerned that article 104 of the Criminal Code provided for the possibility of extinction of criminal responsibility through amnesty or pardon, without excluding its application to the crime of torture. The Committee urged Cabo Verde to amend the Criminal Code to indicate that, where torture offences were concerned, granting of amnesty or pardon should be inadmissible.[10]

7. The Committee noted the adoption of the National Plan to Combat Gender-based Violence (2014–2018) and the establishment in 2014 of support centres for victims of gender-based violence.[11] The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Committee on the Elimination of Discrimination against Women noted with concern that the National Plan did not cover trafficking or the exploitation of women and children through prostitution.[12]

8. In 2013, the Committee on the Elimination of Discrimination against Women remained concerned about the capacity of the Cabo Verdean Institute for Gender Equality and Equity to coordinate across all levels of government. The Committee was also concerned that the Institute's close collaboration with civil society was not inclusive of all civil society organizations working on the advancement of women, and that available funding was restricted. It encouraged Cabo Verde to strengthen the Institute by providing it with resources to effectively coordinate and promote gender mainstreaming at all levels of government.[13]

9. While noting the proposed introduction of temporary special measures for persons with disabilities in the civil service, and the proposed policy on parity regarding women's participation in political and public life, the Committee on the Elimination of Discrimination against Women recommended that Cabo Verde implement temporary special measures aimed at achieving substantive equality of women with men.[14]

10. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families noted with concern that the regulatory framework on migration remained fragmented and incomplete. It recommended that Cabo Verde ensure that its national laws and policies were in accordance with the provisions of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and were streamlined. It also recommended that Cabo Verde adopt without further delay the Immigration Law, the Investment Code for Migrants and the Asylum Law.[15]

11. The same Committee welcomed the Third Growth and Poverty Reduction Strategy Paper (2012–2016), the National Migration Strategy and the corresponding action plan (2013–2016), and the National Emigration Strategy for Development, adopted in 2013.[16] It also noted as positive the establishment of the Immigration Coordination Unit in 2011 and a national task force to implement the National Immigration Strategy.[17] The Committee was concerned, however, about the insufficient coordination between the institutions and services that dealt with migration-related issues. It recommended that Cabo Verde enhance coordination in order to effectively implement the rights protected under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, including by allocating adequate resources to the bodies handling migration issues.[18]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[18]

12. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families noted with concern that the Labour Code did not provide for protection against discrimination on the ground of national origin. It recommended that Cabo Verde take the measures necessary to ensure that workers were protected against discrimination on the ground of national origin.[20]

2. Development, the environment, and business and human rights[21]

13. In 2015, the United Nations Environment Programme (UNEP) reported that overall, air quality in Cabo Verde was relatively clean and that the dust blown from the Sahara desert was the most dominant source of air pollution in the country. The increasing number of vehicles was also a significant source of air pollution. Estimates provided by the World Health Organization indicated that outdoor air pollution caused less than 10 premature deaths annually.[22]

14. UNEP indicated that the principal sources of air pollution from industry in Cabo Verde were the food and beverages, fish processing, shoes and garments, salt mining and ship repair sectors. Some 96.9 per cent of the 89.8 kW installed electricity-generating capacity was generated from fossil fuels, with only the remaining 3.1 per cent coming from renewable energy sources. Emissions from the transport sector were the most significant anthropogenic source of air pollution in Cabo Verde and long-range transport of biomass burning emissions from countries in West Africa could sometimes significantly impair air quality in Cabo Verde.[23]

B. Civil and political rights

1. Right to life, liberty and security of person[24]

15. The Committee against Torture was concerned about reports of police brutality against detained persons and juveniles, allegations of racial profiling during security operations and investigations, and complaints of excessive use of force. It also noted with concern that delays in criminal proceedings had reportedly contributed to the perception of impunity. The Committee urged Cabo Verde to strengthen the supervision mechanisms of the police force and to ensure that all complaints of police brutality or excessive use of force were promptly investigated in an impartial manner by an independent body. It also urged Cabo Verde to ensure that alleged perpetrators of police brutality or excessive use of force were immediately suspended from duty for the duration of the investigation, and that those found guilty of such acts were punished.[25] It invited Cabo Verde to ensure the exercise of universal jurisdiction over persons responsible for acts of torture.[26]

16. The same Committee was concerned about the overcrowded prison facilities in Cabo Verde, reports that health services for prisoners were insufficient and the sanitary facilities inadequate, allegations of ill-treatment of prisoners, and cases of gender-based violence. It recalled the concern of the Human Rights Committee that accused persons were reportedly not separated from convicted prisoners. The Committee against Torture urged Cabo Verde to significantly reduce overcrowding in prisons by making more use of alternatives to incarceration. It also urged Cabo Verde to improve prison facilities and detention conditions, separate accused persons from convicts at all times, and ensure that prisoners had genuine access to a means of filing a complaint with an independent body and that impartial, independent investigations into such complaints were carried out promptly.[27] It called on Cabo Verde to expedite the review of the Act on the Enforcement of Custodial and Other Sentences (Decree-Law No. 25/88), as announced in the 2013 national report to

the Working Group on the Universal Periodic Review.[28] The Committee urged Cabo Verde to speed up the creation of a national preventive mechanism, in accordance with the Optional Protocol to the Convention against Torture.[29]

17. While taking note of the procedural safeguards set out in the Constitution and the Criminal Code, the Committee against Torture was concerned about allegations of failure to bring detained persons before a judge within 48 hours of arrest, and to inform detainees of the reasons for their arrest and the charges brought against them. It urged Cabo Verde to penalize any failure on the part of public officials to comply with the legal safeguards.[30]

2. Administration of justice, including impunity, and the rule of law[31]

18. The Committee against Torture was concerned that the justice system was overburdened and understaffed, resulting in prolonged pretrial detention and a large backlog of cases pending trial. It was also concerned that judges were underpaid, making the judiciary vulnerable to bribery and corruption. It inquired about measures taken to reduce the backlog of cases, to counter judicial misconduct, particularly corruption, to enhance the efficiency of judicial proceedings and to increase the use of alternatives to detention.[32]

19. The Committee against Torture asked Cabo Verde about the outcome of the trial of Carlos Graça and the four prison guards charged with torture as a result of their actions following the riot in 2005 at São Martinho prison, as well as the penalties imposed.[33]

20. While noting that the Constitution and the Criminal Procedure Code provided for the inadmissibility of evidence obtained through torture or cruel, inhuman or degrading treatment, the Committee against Torture called on Cabo Verde to ensure that that principle was upheld in practice.[34]

3. Fundamental freedoms and the right to participate in public and political life[35]

21. UNESCO noted that article 45 of the Constitution of Cabo Verde guaranteed freedom of expression and information, and that article 46 ensured the freedom and independence of the press and guaranteed journalists access to sources of information. Defamation remained a criminal offence, however, under article 166 of the Criminal Code, and there was no legislation on freedom of information in the country.[36] UNESCO recommended that Cabo Verde decriminalize defamation and place it within a civil code that was in accordance with international standards, and encouraged Cabo Verde to adopt a freedom of information law in accordance with international standards.[37]

4. Prohibition of all forms of slavery[38]

22. While noting with concern that Cabo Verde was a source, destination and transit country for human trafficking, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families was concerned that it did not have any comprehensive legislation prohibiting and criminalizing trafficking in persons. The Committee was also concerned about the prevalence of trafficking in persons, particularly for the purposes of exploitation in prostitution and domestic servitude, and about the exploitation of women and girls who were compelled to resort to prostitution as a survival strategy.[39] The Committee against Torture was concerned at the large number of children being exploited in prostitution and engaging in begging, drug dealing and street vending, which made them vulnerable to human trafficking. It was also concerned that the amended Criminal Code did not punish persons who promoted prostitution of children aged between 16 and 18.[40]

23. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Cabo Verde adopt comprehensive anti-trafficking legislation; increase services for the protection, rehabilitation and reintegration of victims of trafficking and ensure they had access to remedies; prosecute perpetrators of trafficking and exploitation of prostitution; and adopt a national action plan on trafficking with measurable indicators and targets.[41] The Committee against Torture urged Cabo Verde to prevent and combat trafficking in human beings, especially children, and the worst forms of child labour, by amending the Criminal Code to prohibit the promotion of prostitution of

children between 16 and 18 years of age.[41] The Committee on the Elimination of Discrimination against Women raised similar concerns and made similar recommendations.[43]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[44]

24. While acknowledging measures taken in the area of employment, the Committee on the Elimination of Discrimination against Women remained concerned that the Labour Code did not fully incorporate the principle of equal pay for work of equal value. It recommended that Cabo Verde incorporate that principle into the Labour Code in all areas of employment. The Committee was also concerned at the persistent gender wage gap and occupational segregation.[45]

2. Right to social security[46]

25. According to ILO, Cabo Verde had made social protection a high priority on the road to development. By 2015, the country had become one of the most advanced nations in Africa in terms of establishing a social protection floor. It had taken two major steps towards a universal pension system: the creation of the National Centre of Social Pensions in 2006 and the unification of pre-existing non-contributory pension programmes. The unified scheme guaranteed basic income security for the elderly over 60 years old, the disabled, and children with disabilities living in poor families.[47]

26. Social pensions in Cabo Verde had reduced the level of poverty and vulnerability of the target population, constituting a concrete step in the direction of establishing a more comprehensive social protection floor. The social pension covered about 46 per cent of the population aged 60 years and over, and the value of the benefit was 20 per cent higher than the poverty line.[48]

3. Right to an adequate standard of living[49]

27. Following her visit to Cabo Verde in 2015, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, commended Cabo Verde for the priority it had accorded to housing in recent years by putting in place a legal framework and other mechanisms consistent with the right to housing. The flagship housing programme, "Casa para Todos" (Homes for All), in principle and as conceptualized, was generally in keeping with the right to adequate housing, as was "Operação Esperança" (Operation Hope).[50]

28. The Special Rapporteur had, however, identified significant barriers to the enjoyment of the right to adequate housing, particularly for vulnerable groups, such as women and persons with disabilities, who faced a number of challenges, most notably the lack of secure, safe housing for a burgeoning urban population. She noted that "Casa para Todos" did not appear to be accessible to the poorest and most vulnerable, and that the poorest households would not be able to maintain housing costs associated with the programme over time.[51]

29. The Special Rapporteur underlined the growth of informal, unplanned settlements, without adequate services, and the poor security of tenure for the urban poor, including the threat of illegal demolitions or the absence of regulatory systems to protect tenants from evictions or changes in rental conditions without guarantees of due process.[52]

30. The Special Rapporteur recommended that all housing legislation and related policies and programmes were reviewed in the light of international human rights law, the Constitution and existing standards pertaining to the right to adequate housing. In particular, the review of and dialogue about the national social housing system should include all relevant actors, in particular municipal government officials. The priorities within that system, particularly in relation to the "Casa para Todos" programme, should be revisited to ensure that a greater proportion of technical and financial resources were directed to the rehabilitation and upgrading of existing homes and housing units, and that

all levels of government refrained from demolishing homes, given that such actions constituted a violation of the right to adequate housing under international human rights law.[53]

31. The Special Rapporteur advised the Government of Cabo Verde to design and implement a national plan of action on disability in accordance with the Convention on the Rights of Persons with Disabilities.[54]

4. Right to education[55]

32. UNESCO noted that the Constitution and education-related laws contained extensive provisions on the right to education. The Constitution of 1992, as amended in 2010, enshrined the right to education and to equal opportunities to school access and achievement, and notably guaranteed compulsory, universal and free basic education. More than ten articles of the Constitution addressed specific aspects of the right to education.[56]

33. In terms of reporting to UNESCO, Cabo Verde had not submitted its national report within the framework of the eighth (2011–2013) or ninth (2016–2017) consultation of member States on the measures taken to implement the UNESCO Convention against Discrimination in Education. Likewise, Cabo Verde had not reported on the measures taken to implement the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the fifth (2012–2013) or sixth (2016–2017) consultations of member States.[57]

D. Rights of specific persons or groups

1. Women[58]

34. The Committee on the Elimination of Discrimination against Women expressed concern about the persistence of patriarchal attitudes and deep-rooted stereotypes concerning the roles and responsibilities of women and men in the family and society. The Committee was also concerned about the persistence of entrenched harmful practices, such as de facto polygamy and female genital mutilation in new migrant communities. It urged Cabo Verde to put in place a comprehensive strategy to eliminate stereotypes that discriminated against women, as well as harmful practices, with special focus on migrant communities.[59]

35. The same Committee was concerned about women who faced multiple forms of discrimination in Cabo Verde, particularly women with disabilities, older women, women heading female-headed households and migrant women. It recommended that Cabo Verde empower them, so as to ensure full enjoyment of their rights on an equal basis with men, and protect them from violence, abuse and exploitation.[60]

36. The Committee was deeply concerned that, while the Civil Code did not allow polygamy, de facto polygamy persisted in Cabo Verde. It was also concerned about stigmatization and the lack of legal protection in relation to family matters for single women who were heads of households. It called upon Cabo Verde to ensure equality of women with men in marriage and family relations by abolishing de facto polygamy, countering stigmatization of single women heads of households, and ensuring that single-parent families headed by women had equal access to services and support as two-parent families and those headed by men.[61]

37. The Committee remained concerned about the persistence of violence against women, including domestic violence, in addition to sexual abuse at school and harassment in the workplace.[62] It urged Cabo Verde to implement existing legislation and action plans for the prevention and elimination of all forms of violence against women, in addition to victim protection programmes; to ensure that reports of domestic and sexual violence against women and girls were effectively investigated and perpetrators prosecuted; to provide judges, prosecutors, lawyers, police officers and health professionals with systematic training on women's rights and on combating gender-based violence, including domestic and sexual violence; and to establish an adequate number of shelters to provide

assistance and protection to victims.[63] While noting efforts to combat gender-based violence and child abuse, the Committee against Torture was also concerned at the prevalence of violence against women and children, particularly in the domestic sphere. In addition, it was concerned at information indicating that many cases of violence against children remained unreported because often the perpetrators were relatives of the victim. It urged Cabo Verde to eradicate violence against women and children, including domestic violence.[64]

38. The Committee on the Elimination of Discrimination against Women remained concerned at the low participation of women in the parliament, municipal assemblies and local municipalities. It urged Cabo Verde to increase the participation of women in political and public life, particularly in elected office and decision-making positions, and to raise awareness about the importance of women's participation in political and public life and decision-making.[65]

39. The same Committee remained concerned about the low literacy rate among women, particularly rural women, and about sexual abuse in schools.[66] It was also concerned at the dropout rate of pregnant girls from schools. It urged Cabo Verde to strengthen adult literacy programmes, especially for women in rural areas; prevent, punish and eradicate all forms of violence against women and girls in educational institutions; implement in all instances the policy allowing pregnant girls to continue and return to school during and after pregnancy; and ensure adequate educational opportunities for women and girls with disabilities.[67]

40. While noting that reproductive health services had in general been free of charge, the Committee noted that the fees introduced in 2009 might limit women's access to those services. It was concerned about reported cases of forced abortion and sterilization of women with disabilities. It recommended that Cabo Verde ensure that women had access to reproductive health services free of charge; that women with disabilities had access to reproductive health services; and that abortions and sterilizations performed on women with disabilities were conducted with their free, prior and informed consent.[68]

41. While noting various programmes for the economic empowerment of rural women, the Committee was concerned that those women faced many difficulties. It was particularly concerned that the absence of a land registration system prevented them from using ownership of land as a guarantee to gain access to financial credit. The Committee called upon Cabo Verde to combat rural women's poverty and ensure their access to justice, health-care services, education, housing, clean water and sanitation, fertile land and income-generating projects.[69]

2. Children[70]

42. The Committee against Torture was concerned at reports of the frequent use of corporal punishment of children at home and in schools. It urged Cabo Verde to put an end to corporal punishment and promote non-violent forms of discipline.[71]

43. The Committee against Torture recalled the concern of the Human Rights Committee that juveniles in detention were allegedly not held separately from adults. It urged Cabo Verde to address the root causes of increased juvenile delinquency and to ensure that juveniles were held separately from adults in detention facilities at all times.[72]

3. Migrants, refugees, asylum seekers and internally displaced persons[73]

44. While noting that the principle of non-discrimination figured in the country's laws, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families regretted that the fundamental rights of migrant workers were guaranteed only to migrant workers in a regular situation, and on the basis of reciprocity.[74] It also noted with concern that migrant workers from West Africa were reportedly subjected to prejudice and social stigmatization.[75] It recommended that Cabo Verde amend its domestic laws in order to ensure that all migrant workers and members of their families enjoyed their rights without any discrimination.[76] It also recommended that no discriminatory policies be pursued on the territory of Cabo Verde.[77]

45. The same Committee was concerned about the limitation by Decree Law No. 6/97 of the rights of migrants in a regular situation to education, to assemble, to demonstrate, to strike and to join trade unions and professional associations; and about reports that foreign workers received lower salaries than nationals. It recommended that Cabo Verde repeal all the provisions of Decree Law No. 6/97 that were in violation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; ensure equal treatment of all foreign migrant workers; and expedite the reform of the legislation concerning employment injury compensation.[78]

46. The Committee was concerned that article 282 of the Labour Code, which stipulated that under certain circumstances employment contracts of foreign migrant workers did not need to be in writing, left room for illicit hiring of migrant workers. It was also concerned that the inspection of workplaces where many migrant workers were employed was frequently inadequate. The Committee recommended that Cabo Verde amend article 282 of the Labour Code; ensure adequate and frequent inspection of the employment conditions of migrant workers; and enforce the Labour Code.[79]

47. With regard to the detention of migrants, the Committee recommended that Cabo Verde ensure that migrant workers and members of their families had access to legal aid and consular services and that the minimum guarantees enshrined in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families were assured with regard to criminal or administrative procedures. It also recommended that Cabo Verde promote alternatives to detention for migrant workers and members of their families.[80]

48. The Committee recommended that Cabo Verde ensure that, in law and in practice, migrant workers and members of their families, including those in irregular situations, had equal opportunities to those of Cabo Verdean citizens to file complaints and obtain effective redress in the courts.[81]

49. The Committee welcomed the establishment of the Country of Origin Migrant Support Centre, which provided pre-departure orientation sessions for nationals of Cabo Verde leaving for Portugal or other European countries and information about Cabo Verde for returning nationals. The Committee recommended expanding the pre-departure orientation sessions to include other destination countries.[82]

50. The Committee recommended that Cabo Verde ensure that Cabo Verdean migrant workers, including those in irregular situations, had recourse to consular support for the protection of their rights.[83]

51. The Committee was concerned about the reportedly increasing number of forcibly returned migrants, and recommended that Cabo Verde provide all assistance necessary to facilitate the social and economic integration of forced returnees.[84]

52. While noting the Diaspora for Development of Cabo Verde programme aimed at involving skilled migrants in the development of the country, the Committee recommended that Cabo Verde develop a programme to assist in the durable reintegration of returning migrant workers and members of their families. It also recommended the adoption of the Investment Code for Emigrants.[85]

53. With regard to the right of asylum, the Committee against Torture noted with concern that neither the Constitution nor Law No. 99/V/99 on the legal regime of asylum and refugee status included the risk of being subjected to torture in the country of destination as a reason for granting protection. The Committee expressed concern at the absence of an institutional framework for an asylum determination procedure. It shared the concern of the Office of the United Nations High Commissioner for Refugees that there was no systematic registration and processing of asylum claims at the country's borders. While noting that asylum seekers would have a right to a judicial review in accordance with Legislative Decree No. 6/97, the Committee against Torture regretted that they would not be protected against refoulement during the judicial review process, since the review would not have a suspensive effect on an expulsion order. It also noted with concern that all other undocumented migrants would be subject to an administrative procedure of expulsion, without access to a judicial review. The Committee urged Cabo Verde to explicitly

incorporate the principle of non-refoulement into its legislation regulating asylum and expulsion of undocumented migrants; promptly establish a national asylum determination procedure; set up an asylum registration and screening process at the borders to identify victims of torture and trafficking and provide them with rehabilitation and priority access to the asylum determination procedure; and provide for an effective judicial remedy with automatic suspensive effect on the deportation orders of asylum seekers and other undocumented immigrants.[86]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Cabo Verde will be available at www.ohchr.org/EN/Countries/AfricaRegion/Pages/CVIndex.aspx.
[2] For relevant recommendations, see A/HRC/24/5, paras. 115.1–115.15 and 115.18–115.21.
[3] See CAT/C/CPV/CO/1, para. 48. See also CEDAW/C/CPV/CO/7-8, para. 40.
[4] See CMW/C/CPV/CO/1, para. 15.
[5] See CAT/C/CPV/CO/1, para. 47.
[6] See CMW/C/CPV/CO/1, para. 13.
[7] See UNESCO submission for the universal periodic review of Cabo Verde, para. 10.
[8] For relevant recommendations, see A/HRC/24/5, paras. 115.1–115.25 and 115.27–115.42.
[9] See CAT/C/CPV/CO/1, paras. 10–11.
[10] Ibid., paras. 12–13.
[11] Ibid., para. 7 (a) and (d). See also CEDAW/C/CPV/CO/7-8, para. 4.
[12] See CMW/C/CPV/CO/1, para. 50, and CEDAW/C/CPV/CO/7-8, para. 20.
[13] See CEDAW/C/CPV/CO/7-8, paras. 12–13.
[14] Ibid., paras. 14–15 (b).
[15] See CMW/C/CPV/CO/1, paras. 10–11.
[16] Ibid., para. 8. See also para. 10.
[17] See CMW/C/CPV/CO/1, para. 9. See also paras. 10 and 20.
[18] Ibid., paras. 20–21.
[19] For the relevant recommendation, see A/HRC/24/5, para. 115.65.
[20] See CMW/C/CPV/CO/1, paras. 36–37.
[21] For relevant recommendations, see A/HRC/24/5, paras. 115.103–115.112.
[22] See https://wedocs.unep.org/bitstream/handle/20.500.11822/17163/CapeVerde.pdf?sequence=1&amp.isAllowed=.
[23] Ibid.
[24] For relevant recommendations, see A/HRC/24/5, paras. 115.1–115.25, 115.43–115.44, 115.48–115.50, 115.63–115.77, 115.87, 115.89–115.101 and 116.8.
[25] See CAT/C/CPV/CO/1, paras. 20–21 (a)–(b) and (f).
[26] Ibid., para. 31.
[27] Ibid., paras. 24–25 (a)–(b) and (f)–(g).
[28] Ibid., para. 25, and A/HRC/WG.6/16/CPV/1, paras. 100–101. See also CAT/C/CPV/CO/1, para. 24.
[29] Ibid., para. 27.
[30] Ibid., paras. 16–17 (b).
[31] For relevant recommendations, see A/HRC/24/5, paras. 115.97–115.98 and 116.9.
[32] See CAT/C/CPV/CO/1, paras. 18–19.
[33] Ibid., para. 23.
[34] Ibid., paras. 38–39.
[35] For relevant recommendations, see A/HRC/24/5, paras. 115.68, 115.88–115.96 and 116.8.
[36] See UNESCO submission, paras. 4–6.
[37] Ibid., paras. 16–17.
[38] For relevant recommendations, see A/HRC/24/5, paras. 115.88–115.96.
[39] See CMW/C/CPV/CO/1, para. 50 (a)–(b).
[40] See CAT/C/CPV/CO/1, para. 44.
[41] See CMW/C/CPV/CO/1, para. 51 (a)–(c). See also CAT/C/CPV/CO/1, para. 45 (b)–(c).
[42] See CAT/C/CPV/CO/1, para. 45 (a).
[43] See CEDAW/C/CPV/CO/7-8, paras. 20–21.
[44] For relevant recommendations, see A/HRC/24/5, paras. 115.65, 115.74 and 115.102–115.104.
[45] See CEDAW/C/CPV/CO/7-8, paras. 26–27 (a).
[46] For relevant recommendations, see A/HRC/24/5, paras. 115.102–115.104.
[47] See www.social-protection.org/gimi/gess/RessourcePDF.action?ressource.ressourceId=50638.
[48] Ibid.

[49] For relevant recommendations, see A/HRC/24/5, paras. 115.102–115.104.
[50] See A/HRC/31/54/Add.1, para. 90.
[51] Ibid., para. 91.
[52] Ibid., para. 92.
[53] Ibid., para. 94.
[54] Ibid., para. 94.
[55] For relevant recommendations, see A/HRC/24/5, paras. 115.80 and 115.107.
[56] See UNESCO submission, para. 1.
[57] See UNESCO submission, para. 3.
[58] For relevant recommendations, see A/HRC/24/5, paras. 115.66–115.81 and 116.4.
[59] See CEDAW/C/CPV/CO/7-8, paras. 16–17 (a). See also para. 34.
[60] Ibid., paras. 32–33 (a)–(b).
[61] Ibid., paras. 34–35. See also para. 16.
[62] Ibid., para. 18. See also para. 24.
[63] Ibid., para. 19 (a)–(d). See also CAT/C/CPV/CO/1, para. 41, and CEDAW/C/CPV/CO/7-8, para. 24.
[64] See CAT/C/CPV/CO/1, paras. 40–41.
[65] See CEDAW/C/CPV/CO/7-8, paras. 22–23.
[66] Ibid., para. 24. See also para. 18.
[67] Ibid., paras. 24–25 (a)–(c) and (f).
[68] Ibid., paras. 28–29 (a) and (c).
[69] Ibid., paras. 30–31 (a).
[70] For relevant recommendations, see A/HRC/24/5, paras. 115.11–115.12, 115.18, 115.26, 115.45–115.50, 115.82–115.89, 115.92, 115.95, 115.100–115.101, 115.107, 116.3, 116.5–116.7 and 116.10.
[71] See CAT/C/CPV/CO/1, paras. 42–43.
[72] Ibid., paras. 24–25 (c) and (g).
[73] For relevant recommendations, see A/HRC/24/5, paras. 115.50, 115.65, 115.108 and 116.1.
[74] See CMW/C/CPV/CO/1, para. 24.
[75] Ibid., para. 26.
[76] Ibid., para. 25.
[77] Ibid., para. 27.
[78] Ibid., paras. 36 (a)–(b) and 37 (a)–(c).
[79] Ibid., paras. 42–43.
[80] Ibid., para. 31.
[81] Ibid., para. 29.
[82] Ibid., paras. 38–39.
[83] Ibid., paras. 34–35 (a).
[84] Ibid., paras. 48–49.
[85] Ibid., paras. 46–47.
[86] See CAT/C/CPV/CO/1, paras. 28–29 (a)–(d).

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Summary of Stakeholders' submissions on Cabo Verde*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 1 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Economic, social and cultural rights

Right to health

2. Cabo Verde's maternal mortality ratio (MMR) in 2015 was 42 maternal deaths per 100,000 live births, down from 256 per 100,000 in 1990. Almost all maternal deaths are preventable, particularly when skilled birth attendants are present to manage complications and the necessary drugs are available, such as oxytocin (to prevent haemorrhage) and magnesium sulphate (to treat pre-eclampsia). Problems often include a lack of drugs and poor infrastructure, such as no electricity or running water and inaccessibility of hospitals due to weather conditions.[2]

3. The World Health Organization (WHO) recommends a minimum of four prenatal visits with trained health workers, in order to prevent, detect, and treat any health problems. Although in 2005 it was estimated that 98% of pregnant women in Cabo Verde received some level of prenatal care during their pregnancies, UNICEF considered that more than a quarter did not receive the minimum of four visits recommended by the WHO, with that number rising to a third when assessing only women living in rural areas.[3]

* The present document was not edited before being sent to United Nations translation services.

4. The medical infrastructure in Cabo Verde is significantly below global standards, with an inadequate number of trained health professionals and lack of access to health-care, especially in cases of medical emergencies on more remote islands.[4]

5. Cabo Verde must invest in social and economic development and aim to provide women with support throughout and after pregnancy. Cabo Verde must improve health care infrastructure, access to emergency obstetric care, midwife training, and resources devoted to maternal health; and should focus on safely getting mothers and babies through pregnancy and childbirth, with special attention paid to improving health-care access for women from poor and/or rural backgrounds.[5]

Right to education

6. Cabo Verde must focus on introducing measures improving access to education, which empowers women and leads to social and economic development, as well as facilitating healthy decision-making.[6]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org

[2] ADF, p. 4.

[3] ADF, p. 4.

[4] ADF, p. 3.

[5] ADF, p. 5.

[6] ADF, p. 4.